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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/998,033	12/24/1997	SURESH JEYACHANDRAN	35.C12462	2065

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NEW YORK, NY 10112

EXAMINER

KOSTAK, VICTOR R

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 02/23/2004

18

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

08/998,033

Applicant(s)

JEYACHANDRAN ET AL.

Examiner

Victor R. Kostak

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 11-20, 24-31 and 175 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 11-20, 24-31 and 175 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 11-16, 19, 20, 24-26 and 28-31 are again rejected under 35 U.S.C. 102(b) as being anticipated by Russell (of record).

Applicant argues that because Russell transmits operational parameters and status data from a peripheral device to a network (citing particular text), he therefore does not disclose or suggest subject matter newly presented in the claims, namely transmission of a control program to a remote control apparatus (in Russell a controller remotely located in a network) for control of the peripheral device, so as to remotely control the peripheral device during execution of the control program.

However, Russell does in fact transmit more than just operational parameters and status data. In col. 6 lines 40-44 Russell points out that the remote control device (PC 14) is allowed to view all of the information exported from the peripheral device (printer 4 with associated component NEB 2). More relevantly, Russell further specifies that printer 4 is able to export *control information* (col. 6 lines 52-56), which is more than just operational parameters and status data. In the continuing text in col. 6, Russell discusses more about *functions performed* on printer 4 by remote controller 14 including control information which is exported from the printer to the remote controller.

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Russell explains further in col. 8 lines that status *and other information* are sent from printer 4 to the LAN (ultimately to PC 14), ... *to allow for fine control of the printer from a remote location*. In the continuing text Russell specifies that such open architecture ... *permits ... all of the information on the (printer) panel display ... to be exported to a remote location and permits ... all of the control functions of the printer ... to be activated from the remote location*.

Based on this explicit language, Russell therefore discloses that the remote controller PC 14 requests a printer (in the example given printer 4) based on an inherent addressing code, control programming (i.e. control data in at least a most basic sense described as programming, evident in that explicit operations or functions are ultimately performed bases on the control data) is sent (exported) to the remote controller through a LAN 6, and the functions of printer 4 are in turn carried out (executed) according to individual respective control commands issued by PC 14 through LAN 6, thereby meeting claims 1 and 20.

As for claim 11, the separated devices communicate through a bi-directional line (e.g. col. 8 lines 18-29; col. 15 lines 57-59).

As for claims 12 and 13, the system can route operational commands through different channels (e.g. col. 11 lines 1-14; col. 14 line 27).

Regarding claims 16 and 28-31, operation history (i.e. as log data) is also stored for any one or all of the devices, which operations can be carried out according to the stored history data (e.g. col. 37 line 35+).

As for claim 19, device operation can be changed by a status command, such as stopping printing due to low toner or jamming (noting Table 8).

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Considering claims 24-26, Russell also incorporates both user and device ID's for the clear purpose of accessing the specifically intended device by the individual responsible or authorized therefor (e.g. col. 9 lines 37-40; col. 42 line 49), as would be necessary for operation and system monitoring, logging and record keeping, and accountability.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 13 and 14 are again rejected under 35 U.S.C. 103(a) as being unpatentable over Russell.

It would have been obvious to one of ordinary skill in the art to alter communication paths between the requesting end and selected device (or to select another device) if a first path or device becomes inaccessible or unavailable for any reason, for the clear purpose of ensuring accommodation by the operator in carrying out the request in spite of initial communication problems, such as by re-routing the return path or by selecting a different device capable of performing the requested intended functions. Russell suggests such as he arranges plural peripheral devices, all accessible by the network administrator, as well as providing plural LAN lines.

4. Claims 17 and 18 are now rejected under 35 U.S.C. 103(a) as being unpatentable over Russell in view of Martin et al. (of record).

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In a similar system in where plural printers can be remotely controlled, Martin points out that the remote controller (i.e. Network Administrator) can control a second device through a first device (col. 2 lines 58-60).

It would have been obvious to one of ordinary skill in the art to carry out control functions of Russell of a second device through a first device as taught by Martin for the purpose of minimizing additional communication and/or operations between additional remote/local hook-ups, if the first and second devices can provide the same communication more easily by communicating between themselves using a single hook-up with the remote controller. (Martin gives an example of simple file transfer that can be readily done between peripheral devices).

5. Claims 27 and 175 are now rejected under 35 U.S.C. 103(a) as being unpatentable over Russell in view of Parthasarathi.

Parthasarathi recognizes that because copiers and printers have become more complex and versatile, operators require advanced levels of proficiency to use them (col. 1 lines 6-17). To enable operators with different levels of competence to operate these machines, Parthasarathi provides alternative messaging versions used to interface with the devices, commensurate with the skill levels of the operators (e.g. col. 40-60; Fig. 7).

In view of this explicit benefit, it would have been obvious to one of ordinary skill in the art to incorporate the selective messaging of Parthasarathi in any system that involves communication with a copier or printer by an operator, as in the system of Russell, for the clear purpose of enabling any operator with the ability to operate the devices regardless of the skill level of the operator.

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor R. Kostak whose telephone number is 703 305-4374. The examiner can normally be reached on Monday - Friday from 6:30am-3:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on 703 305-4795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Or faxed to:

(703) 872-9306 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 308-HELP.



Victor R. Kostak
Primary Examiner
Art Unit 2614

VRK